

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v

Case No. 15-20382

Hon. Victoria J. Roberts

PAUL NICOLETTI,
Defendant.

**REQUESTS AND NOTICES IN COMPLIANCE WITH
STANDING ORDER FOR DISCOVERY AND INSPECTION**

In compliance with the Standing Order for Discovery and Inspection entered in this Court, and pursuant to the Federal Rules of Evidence, Defendant Paul Nicoletti, through his attorney, John R. Minock, hereby provides the following requests and notices:

1. Defendant requests the Government provide copies or an opportunity to make copies of:

- a) Any information within the meaning of the Standing Order, paragraph 1(a) or Rule 16(a)(1) of the Federal Rules of Criminal Procedure.
- b) A written summary of any expert testimony the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Criminal Evidence during its case in chief at trial. This summary must describe the witnesses' opinions, the basis and the reasons therefore, and the witnesses' qualifications. Rule 16(a)(1)(G).
- c) Any favorable evidence within the meaning of the Standing Order, paragraph 1(b), *Brady v Maryland*, 373 U.S. (1963) and *United States v Agurs*, 427 U.S. 97 (1976), and Michigan Rule of Professional

Conduct 3.8(d).

- d) Any document which will be used to refresh the memory of a witness within the meaning of the Standing Order, paragraph 8 and/or Rule 612 of the Federal Rules of Evidence.
- e) Any statement by persons who have possible knowledge or information relative to this case which are not protected from disclosure by 18 U.S.C. §3500.
- e) Any statement of witnesses within the meaning of 18U.S.C. §3500(e).

2. Notice is hereby given pursuant to the Standing Order, paragraph 5(b), that the foundation for any and all exhibits will be contested.

3. Notice is hereby given pursuant to the Standing Order, paragraph 6, that the chain of custody of any and all exhibits will be contested.

4. Notice is hereby given pursuant to the Standing Order , paragraph 7, that any scientific analysis or summary testimony by experts will be contested unless there is a proper basis for the witness' testimony under Rule 1006 of the Federal Rules of Evidence.

5. All requests for information, materials or evidence contained hereby are continuing and the prosecution is expected to immediately provide any additional information, materials or evidence as required by the Standing Order, paragraph 3, and/or Rule 16 (c) of the Federal Rules of Criminal Procedure.

6. Pursuant to Rule 16(a)(1)(A), Defendant requests disclosure of the

substance of any relevant oral statement made by Defendant, before or after arrest, in response to interrogation by a person Defendant knew was a government agent.

7. Pursuant to Rule 16(a)(1)(B), Defendant requests disclosure of any relevant written or recorded statement by Defendant, the portion of any written record containing the substance of any relevant oral statement made before or after arrest if Defendant made the statement in response to interrogation by a person Defendant knew was a government agent.

8. Pursuant to Rule 16(a)(1)(D) of the Federal Rules of Criminal Procedure, Defendant requests a copy of his prior criminal record that is within the government's possession, custody, or control.

9. Pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure, Defendant requests permission to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places that are within the government's possession, custody or control and that meet the requirements set forth in the rule.

10. Pursuant to 16(a)(1)(F) of the Federal Rules of Criminal Procedure, Defendant requests permission to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment that is within the governments possession, custody, or control and that meet the

requirements set forth in the rule.

11. Pursuant to FRE 404(b)(2), Defendant requests pretrial notice of the nature of any 404(b) evidence the government intends to introduce at trial and the rationale for admitting the evidence.

12. Pursuant to FRE 103(c) and FRE 104(c), Defendant requests pretrial notice of the government's intention to introduce and rely on character evidence under FRE 404(a) and FRE 608(b).

13. Pursuant to FRE 103(c) and FRE 104(c), Defendant requests pretrial notice of the government's intention to introduce and rely on hearsay evidence and exceptions under FRE 801(d), 803, 803A, and 804.

14. Pursuant to FRE 103(c) and FRE 104(c), Defendant requests pretrial notice of the prosecutor's intention to introduce and rely on evidence which must be weighed under FRE 403.

15. Notices contained herein will remain in effect unless expressly withdrawn.

Dated: January 29, 2016

s/John Minock
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2016, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

s/John Minock